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Attorney's Docket No.: 11926-006001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Vincent P. Stanton, Jr.                      Art Unit : 1637  
Serial No. : 09/767,892                                      Examiner : T. Strzelecka  
Filed : January 22, 2001  
Title : IDENTIFICATION OF GENETIC COMPONENTS OF DRUG RESPONSE

Commissioner for Patents  
Washington, D.C. 20231

RESPONSE

In response to the action mailed September 17, 2002, Applicants submit the following remarks.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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REMARKS

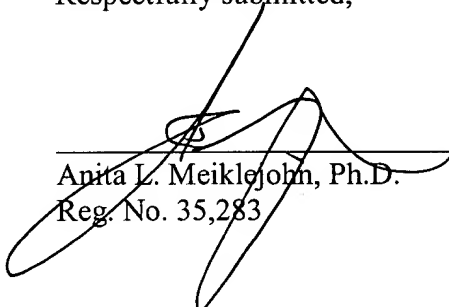
The Examiner argued that the Preliminary Amendment filed on July 9, 2002, was non-responsive because the pending claims are "not readable on the elected invention." The present claims are directed to "a method of identifying a drug response phenotype that varies among cell lines as a consequence of genetic variation." Previously pending claims 15 and 16 within the elected Group III, were drawn to "a method of identifying a phenotype that varies among cell lines as a consequence of genetic variation."

A "drug response phenotype" is but one particular "phenotype." Drug response phenotypes are discussed in the specification, for example, at page 85, line 26 to page 86, line 10 and page 91, line 27 to page 92, line 16. Given that a "drug response phenotype" is one of the variety of phenotypes that fall under the general category of the term "phenotype" it is Applicant's position that the present claims 17-23 read on the elected invention.

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 14 Feb 2003

  
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